

Message Text

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FM AMEMBASSY NASSAU

TO SECSTATE WASHDC PRIORITY 5162

C O N F I D E N T I A L NASSAU 155

E. O. 11652: GDS

TAGS: PFOR CPRS BF

SUBJ: HOWARD R. HUGHES: LOCAL INJUNCTION AND DECLARATION
SOUGHT

BEGIN SUMMARY: EMBASSY RECEIVED FROM FREEPORT LAWYER LATE JANUARY 24 COPIES OF SUMMONS AND SUPPORTING DOCUMENTS FOR EX PARTE MOTION TO BAHAMIAN COURTS TO ENJOIN GCOB OFFICIALS FROM COOPERATING IN ANY FUTURE ATTEMPT TO EXTRADITE HOWARD HUGHES PENDING APPEALS WITHIN THE US OF LEGAL PROPRIETY OF HIS NEVADA INDICTMENT. END SUMMARY.

1. EMBASSY RECEIVED ENVELOPE FROM MESSENGER FOR KENDAL NOTTAGE, PROMINENT ATTORNEY, MP AND PLP LEADER IN FREEPORT, CONTAINING SUMMONS AND OTHER DOCUMENTS. COMMENT: SUMMONS IS NOT ADDRESSED TO ANY PARTY AND EMBASSY DOES NOT BELIEVE THAT ANY ATTEMPT TO "SERVE" EMBASSY WAS INTENDED BY NOTTAGE. NOTTAGE'S COVERING LETTER TO AMBASSADOR STATES "I AM PROCEEDING ON AN EX PARTE PROCEDURE IN THE COURTS, BUT I FELT THAT OWING TO THE IMPORTANCE AND URGENCY OF THE SUBJECT MATTER, IT OUGHT TO BE BROUGHT TO YOUR ATTENTION IMMEDIATELY."

2. SUMMONS IS CAPTIONED FOR THE BAHAMIAN SUPREME (I.E. INTERMEDIATE TRIAL) COURT, EQUITY SIDE, AND IS ENTITLED IN THE MATTER OF HOWARD R. HUGHES AND IN THE MATTER OF THE BAHAMAS INDEPENDENCE ORDER 1973. SUMMONS CALLS UPON ALL PARTIES CON-
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CERNED TO ATTEND HEARING JANUARY 29 BEFORE JUSTICE THOMPSON

OF THE SUPREME COURT IN NASSAU ON AN EX PARTE MOTION. SUMMONS CITES THREE SECTIONS OF BAHAMIAN CONSTITUTION: ARTICLE 15, WHICH GUARANTEES TO "EVERY PERSON IN THE BAHAMAS...LIFE, LIBERTY, SECURITY OF PERSON AND THE PROTECTION OF THE LAW;" ARTICLE 19 WHICH PROVIDES THAT "NO PERSON SHALL BE DEPRIVED OF HIS PERSONAL LIBERTY SAVE AS MAY BE AUTHORIZED BY LAW;" AND ARTICLE 28 WHICH STATES THAT ANY PERSON ALLEGING THAT ARTICLES 16 THROUGH 27 OF THE CONSTITUTION "HAS BEEN, IS BEING OR IS LIKELY TO BE CONTRAVENED IN RELATION TO HIM" MAY APPLY TO THE SUPREME COURT FOR REDRESS.

3. SUMMONS ALLEGES THAT HOWARD HUGHES IS A BONA FIDE RESIDENT OF THE BAHAMAS WITH A VALID RESIDENCE PERMIT; THAT HE IS SUBJECT TO "INDICTMENT" (WORD INDICTMENT IS ENCLOSED IN QUOTES THROUGHOUT SUMMONS) IN NEVADA FOR ALLEGED VIOLATION OF USC TITLES 15 AND 18; THAT INDICTMENT IS CURRENTLY SUBJECT TO MOTION TO DISMISS BY HUGHES' ATTORNEYS; THAT "IT IS BELIEVED THAT THE GOVERNMENT OF THE UNITED STATES OF AMERICA THROUGH ITS DIPLOMATIC REPRESENTATIVE IN THE COMMONWEALTH OF THE BAHAMAS WILL REQUISITION THE GOVERNMENT OF THE BAHAMAS THROUGH ITS SECRETARY OF STATE AND/OR ITS MINISTER OF EXTERNAL AFFAIRS PURSUANT TO THE PROVISIONS OF THE EXTRADITION ACT, 1870, TO SURRENDER (HUGHES) BY EXTRADITION PROCEEDINGS BEFORE (NOTE: ALL CAPS) THE AFORESAID UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA HAS ADJUDICATED ON THE QUESTION OF LAW WHETHER THE SAID 'INDICTMENT' STATES OR ALLEGES FACTS SUFFICIENT TO CONSTITUTE ANY CRIMES OR ANY OFFENSES AGAINST THE UNITED STATES OF AMERICA"; AND THAT THEREFORE HUGHES IS IN DANGER OF BEING UNCONSTITUTIONALLY DEPRIVED OF HIS PERSONAL LIBERTY.

4. SUMMONS SEEKS THREE FORMS OF RELIEF: (1) DECLARATION BY SUPREME COURT THAT HUGHES IS ENTITLED TO PROTECTION OF BAHAMIAN CONSTITUTION, SPECIFICALLY PROTECTION FROM "ARBITRARY ARREST OR DETENTION"; (2) "A DECLARATION THAT ANY ACTION OF THE GOVERNMENT OF THE BAHAMAS, WHETHER BY ITS SECRETARY OF STATE AND/OR ITS MINISTER OF EXTERNAL AFFAIRS, ITS MAGISTRATES, AGENTS, SERVANTS OR ANY OF THEM OR OTHERWISE IN PURSUANCE OF A REQUISITION BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA THROUGH ITS DIPLOMATIC REPRESENTATIVE IN

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THE COMMONWEALTH OF THE BAHAMAS" TO SURRENDER HUGHES BEFORE THE U.S.D.C. IN NEVADA RULES ON THE MOTION TO DISMISS THE INDICTMENT WOULD BE A DEPRIVATION OF HUGHES' PERSONAL LIBERTY; AND (3) AN INJUNCTION AGAINST THE MINISTER OF EXTERNAL AFFAIRS, BAHAMIAN MAGISTRATES, ETC. SO DEPRIVING HUGHES OF HIS PERSONAL LIBERTY "UNTIL FINAL JUDGEMENT BY THE COURTS OF THE UNITED STATES OF AMERICA (NOTE: ELSEWHERE IN SUMMONS COURT IS SPECIFIED AS U.S.D.C. FOR NEVADA) ON THE AFORESAID QUES-

TION OF LAW AND THE AFORESAID MOTION TO DISMISS THE SAID
'INDICTMENT'."

5. ANNEXES TO SUMMONS INCLUDE NEVADA INDICTMENT, MOTION TO DISMISS SAME, MEMORANDA OF LAW BY HUGHES' US COUNSEL, AND AFFIDAVIT OF KENDAL NOTTAGE. NOTTAGE AFFIDAVIT INCLUDES STATEMENT BY HIM THAT "I HAVE BEEN RELIABLY INFORMED AND VERILY BELIEVE THAT THE GOVERNMENT OF THE UNITED STATES OF AMERICA INTENDS IMMINENTLY AND IMMEDIATELY TO REQUISITION THE GOVERNMENT OF THE BAHAMAS IN PURSUANCE OF THE EXTRADITION ACT OF 1870 TO CAUSE A MAGISTRATE OF THE COMMONWEALTH OF THE BAHAMAS TO ISSUE A WARRANT FOR THE ARREST OF THE APPLICANT FOR THE PURPOSE OF SURRENDERING HIM TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA THROUGH EXTRADITION PROCEEDINGS" AND FURTHER STATES THAT "I AM FURTHER RELIABLY INFORMED THAT THE SAID GOVERNMENT OF THE UNITED STATES OF AMERICA HAS RETAINED BAHAMIAN COUNSEL AND ATTORNEYS FOR THE PURPOSE OF MAKING REPRESENTATIONS ON ITS BEHALF IN THE ANTICIPATED EXTRADITION PROCEEDINGS."

6. UNLESS NOTTAGE'S INFORMATION IS MORE CURRENT THAN OURS, EMBASSY ASSUMES STATEMENT ABOUT IMMINENT MOVE BY USG TO ARREST AND EXTRADITE HUGHES IS INACCURATE. CERTAINLY EMBASSY HAS MADE NO MOVE TO RETAIN BAHAMIAN COUNSEL OR EVEN DISCUSS POSSIBLE EXTRADITION LOCALLY. SINCE CALL FOR INJUNCTION IS DIRECTED AGAINST MINEXTAFF ADDERLEY, AMBASSADOR WILL CHECK WITH HIM INFORMALLY TO INSURE THAT HE IS AWARE OF HUGHES MANEUVER. BUT SINCE IT DOES NOT APPEAR THAT EMBASSY IS DIRECTION INVOLVED IN THE MANEUVER, EMBASSY PLANS NO COMMENT ON MATTER NOR DO WE PLAN TO ATTEND JANUARY 29 HEARING. IT IS EXPECTED THAT JUSTICE THOMPSON WILL BE RELUCTANT TO ISSUE EITHER THE DECLARATIONS OR INJUNCTION CALLED FOR IN THE SUMMONS.

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